

Indiana Department of Education

Division of Exceptional Learners

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: 1853.02  
 COMPLAINT INVESTIGATOR: Sandie Scudder  
 DATE OF COMPLAINT: January 14, 2002  
 DATE OF REPORT: February 13, 2002  
 REQUEST FOR RECONSIDERATION: no  
 DATE OF CLOSURE: March 6, 2002

**COMPLAINT ISSUES:**

Whether the MSD of Lawrence Township violated:

- 511 IAC 7-22-1(b)(3) and 511 IAC 7-22-1(d) by failing to provide the parent with a copy of the notice of procedural safeguards that was printed in a format that was easy to read when providing the parent with notice of a case conference committee meeting.
- 511 IAC 7-25-6(i)(1) by failing to verbally inform the parent at the case conference committee (CCC) meeting of the school's intent to conduct a reevaluation, and to include documentation of such in the CCC Report the year before the reevaluation is conducted.
- 511 IAC 7-22-1(d)(3) by failing to provide the parent with a copy of procedural safeguards at the time of the Student's reevaluation.
- 511 IAC 7-27-6 by failing to include in the Student's IEP:
  - a. measurable annual goals, including benchmarks or short-term objectives;
  - b. a statement of the special education and related services, supplementary aids and services, program modifications, or other supports to be provided on behalf of the student or school personnel;
  - c. the projected dates for initiation of services and the anticipated length, frequency, location, and duration of services; and
  - d. a statement of how the student's progress on annual goals, benchmarks, and objectives will be measured.
- 511 IAC 7-27-5(a)(5) by failing to include in the case conference committee report/IEP the reasons for the placement determination, including a description of any options considered and why those options were rejected.

The Complainant submitted additional letters of complaint on January 14 and 16, 2002, which were incorporated with the original letter of complaint dated January 11, 2002, and are included in this complaint report.

**FINDINGS OF FACT:**

1. The student (Student) is 15 years old, is in the 9<sup>th</sup> grade, and is eligible for special education and related services as a student with multiple disabilities and a visual impairment. The Student attends a public high school in the morning and the state school for the blind in the afternoon.
2. The Complainant received an illegible copy of the Notice of Procedural Safeguards (Procedural Safeguards) at the January 10, 2002, CCC meeting. The School has since reprinted the Procedural Safeguards so the forms are in an easy-to-read format. The School provided an easy-to-read copy to the Complainant during the week of February 4, 2002, when a copy of the Procedural Safeguards was attached to a Case Conference Notification Letter.

3. On page 51 of the March 20 and May 17, 2001 IEP, the School documented that the Student's reevaluation would be due the following year. The Complainant reports that the Student's reevaluation was not verbally discussed during the March 20, 2001, CCC meeting. Although the VI teacher and the TOR state that the Student's reevaluation was discussed at the March 20, 2001, CCC meeting, the CCC notes dated March 20 and May 17, 2001, do not indicate that the Student's reevaluation was discussed.
4. The VI teacher sent the Complainant an e-mail on November 9, 2001, suggesting a CCC meeting to discuss the Student's upcoming reevaluation. The Complainant declined the CCC meeting and requested that the VI teacher discuss with the other CCC members what reevaluation areas would be appropriate. The Complainant approved the two suggested areas of reevaluation and informed the VI teacher to "move forward with the re-eval." However, the reevaluation is not due until March 2002, and has not yet been conducted.
5. The Complainant asserts that the IEP developed at the January 10, 2002, CCC meeting fails to include certain components. However, it was explained at the CCC meeting that the paperwork completed on January 10, 2002, would become an addendum to the IEP dated March 20 and May 17, 2001. The same explanation is written at the top of Page 1 of the January 10, 2002, CCC notes. Only the pages from the March 20 and May 17, 2001, IEP which were altered were included in the January 10, 2002, addendum.
6. The CCC, on January 10, 2002, changed the math placement of the Student; therefore, a new math goal sheet, including a math goal and objectives, was developed for the Student. The math goal is written as "[The Student] will improve [the Student's] math skills, maintaining a B average, per the following objectives." The objectives describe the math skills the Student is expected to accomplish, as well as how the Student's progress on the objectives will be measured (i.e., teacher observation, written performance, oral performance, and criterion referenced tests).
7. The IEP dated March 20 and May 17, 2001, identifies classroom adaptations to be provided to the Student, as well as supports to be provided to school personnel working with the Student. The CCC made no changes to these areas at the January 10, 2002 meeting.
8. The March 20/May 17 IEP identifies the duration date as May 30, 2001 through March 12, 2002. The IEP also identifies the length, frequency, and location for special education and related services. The January 10, 2002, addendum did not modify the length, frequency, location, or duration of services.
9. The January 10, 2002, addendum documents a change in the Student's math placement. The changed math goal and objectives sheet includes procedures explaining how the Student's progress on the math goal will be measured.
10. On the page entitled "Least Restrictive Environment" (LRE) of the January 10, 2002, addendum to the IEP identifies the LRE options rejected and chosen and includes a brief narrative of the reasons for the rejection or acceptance. According to the school, the reasons for rejecting or accepting the LRE options was not included in the draft copy submitted to the Complainant. However, the information is included on the final copy, signed by the Complainant.

## CONCLUSIONS:

1. Finding of Fact #2 establishes that the Complainant initially received an illegible copy of the Procedural Safeguards; however, the School rectified the situation by printing legible copies, and provided the Complainant with a copy three weeks later. Although a violation of 511 IAC 7-22-1(b)(3) and 511 IAC 7-22-1(d) is found, no further corrective action is required.
2. Finding of Fact #3 reflects that the IEP dated March 20 and May 17, 2001, includes the statement that the Student's reevaluation is due the next year, however, the CCC notes do not document that the Student's reevaluation was discussed. Therefore, a violation of 511 IAC 7-25-6(i)(1) is found.

3. 511 IAC 7-22-1(d)(3) requires the parent to be provided with a notice of procedural safeguards at the time of the reevaluation. Finding of Fact #4 establishes that the Student has not yet been reevaluated. Therefore, no violation of 511 IAC 7-22-1(d)(3) is found.
4.
  - a. Finding of Fact #5 indicates that, on January 10, 2002, the CCC developed an addendum to the Student's IEP of March 20 and May 17, 2001. Only pages with changed information were included in the addendum. Finding of Fact #6 establishes that the CCC added a math goal to the IEP. The goal identifies that the Student will maintain a "B" average by accomplishing the identified objectives. Therefore, no violation of 511 IAC 7-27-6 is found.
  - b. Finding of Fact #7 indicates that the Student's IEP identifies adaptations, program modifications, and supports for personnel. No changes to these areas were incorporated into the January 10, 2002, addendum to the IEP. Therefore, no violation of 511 IAC 7-27-6 is found.
  - c. Finding of Fact #8 reflects that the Student's IEP identifies the length, frequency, location, and duration of services and that no changes were made on January 10, 2002. Therefore, no violation of 511 IAC 7-27-6 is found.
  - d. Finding of Fact #9 establishes that the procedures to evaluate the Student's progress on the math goal are documented in the January 10, 2002, IEP addendum. Therefore, no violation of 511 IAC 7-27-6 is found.
5. Finding of Fact #10 reflects that the January 10, 2002, addendum to the IEP includes the reasons for rejecting or accepting the LRE options. Therefore, no violation of 511 IAC 7-27-5(a)(5) is found.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The MSD of Lawrence Township shall send a memorandum to all teachers of record and case conference coordinators explaining that a student's reevaluation must be discussed at the CCC meeting the year before the reevaluation is due. **A copy of the memorandum, and list of those who received the memorandum shall be submitted to the Division no later than February 28, 2002.**

DATE REPORT COMPLETED: February 13, 2002